

**FRENCHTOWN CHARTER TOWNSHIP  
COMMUNITY ANTENNA TELEVISION SYSTEM  
Ord. No. 120; Date of Adoption: June 1979**

An Ordinance requiring the issuance of a franchise as a prerequisite to the operation of a Community Antenna Television System, as herein defined, within the Charter Township of Frenchtown and setting forth the circumstances under which such franchises shall be issued, and providing penalties for the violation hereof.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Definitions.**

As used in this Ordinance, the following terms shall have the following meanings:

- (a) The term "Community Antenna Television" shall mean the business of transmission and distribution of audio and visual impulses and television energy by means of cable, wire or conduit to any location, firm, person or corporation located within the Charter Township of Frenchtown.
- (b) The term "franchise" shall mean that right, license and authority to operate, install and maintain a "Community Antenna Television" system within the Charter Township of Frenchtown. This right, license and authority shall be created and exist only by virtue of an Ordinance, duly adopted by the Charter Township of Frenchtown and shall be non-exclusive.

**Section 2. Franchise Required.**

No person, firm or corporation shall install, maintain or operate a "Community Antenna Television" system in the Charter Township of Frenchtown without first having obtained a franchise therefore, as herein above defined, in accordance with the procedure hereinafter set forth, from the Charter Township of Frenchtown, nor shall any person, firm or corporation furnish "Community Antenna Television" service without first having obtained such a franchise.

**Section 3. Use of Public Property.**

No person, firm or corporation shall use or occupy any public place or public way within the Charter Township of Frenchtown, or any extensions thereof or additions thereto, whether on, above or under the surface of the ground, for the purpose of installing, maintaining or operating "Community Antenna Television" or facilities therefore, or for the purpose of furnishing "Community Antenna Television" service until such person, firm or corporation has first obtained a franchise therefore from the Charter Township of Frenchtown.

#### **Section 4. Franchise Issuance.**

The Township Board of the Charter Township of Frenchtown, may, in its discretion, by Ordinance, issue non-exclusive revocable franchises for the purpose of operating “Community Antenna Television” systems within the Charter Township of Frenchtown. Such franchise ordinances shall set forth appropriate conditions governing the operation of said systems, the quality of service to be rendered, the rates and fees to be charged for such services to customers within the Charter Township of Frenchtown, the franchise fee to be paid by the grantee of such right to the Charter Township of Frenchtown for said privilege, the service area of the grantee of such franchise and any other matters deemed to be appropriate by the Township Board of the Charter Township of Frenchtown. Prior to the enactment of a Franchise Ordinance, the Township Board of the Charter Township of Frenchtown shall request from any such persons, firms or corporations desiring such franchise rights facts relative to the type and quality of service proposed to be furnished, proposed rates, nature and structure of their organization, financial information, insurance, and any and all other information deemed to be pertinent by the Township Board of the Charter Township of Frenchtown. The Frenchtown Charter Township Board, upon review of such applications, may select a grantee or grantees and, upon notification of such selection, the grantee or grantees shall agree, in writing, to the terms and conditions of the franchise agreement. Upon execution of the franchise agreement by said grantee or grantees, the franchise ordinance or Ordinances shall be enacted.

#### **Section 4.1 Minimum Standards.**

The Township Board of the Charter Township of Frenchtown may, by motion, provide minimum standards and/or requirements for the granting of a franchise as defined herein, which standards and/or requirements shall be in addition to those provided for in this or any other State, Federal, or Local law or ordinance. It is determined at this time that said minimum standards and/or requirements, which are subject to change or addition by motion of the Township Board, shall include but not be limited to the following:

- (a) Every Cable Communication System or Community Antenna Television System franchised by Frenchtown Charter Township, shall maintain such capacity, capability and technical standards as will enable it to connect and be compatible with any other Cable Communication System or Community Antenna Television system located in Monroe County.
- (b) The Grantee shall survey, map, construct, install and operate a complete Cable Communication System or Community Antenna Television System with a two way capability and 400 MHz of bandwidth (52 Channels) capability.

- (c) The Grantee shall transmit a minimum of sixteen (16) channels, including one Public Access Channel, as described in par. 4.1 (d) below, and one Weather Channel, both with early warning capabilities on all other channels.
- (d) The Grantee shall designate a channel which will be used for emergency broadcast (public access) of both audio and video. The Grantee shall cooperate with the Monroe County Office of Civil Preparedness and other governmental agencies in the use and operation of emergency alert systems.

Amended by Ord. No. 120-1.

- (e) **Subscriber Rates and Charges:** The rates and charges for service shall be fair and reasonable and designed to meet all costs of service, including a fair and adequate rate of return on Grantee's investment. Grantee's initial rates shall be indicated in the Franchise Ordinance and must be approved by the Frenchtown Charter Township Board. Nothing shall prohibit Grantee from charging less on the rates and charges set forth in the Franchise Ordinance. Grantee's direct or indirect rates shall not exceed the amounts indicated in the Franchise Ordinance unless first approved by the Frenchtown Charter Township Board.

Amended by Ord. No. 120-2.

**Section 5. Franchise Revocation.**

The Township Board shall, in all cases, have the complete and absolute right to revoke a franchise, upon thirty (30) days notice in writing to the Grantee, at any time for violation of the franchise agreement, Franchise Ordinance, Ordinance No. 120 as amended, any and all other State, Federal or Local laws or Ordinances. Provided, however, that the reasons for revocation shall be furnished in writing to the Grantee and the Grantee shall have the right to be heard publicly prior to the revocation of said franchise. The Franchise Ordinance shall set forth in detail, the method and procedure of removal of cable antenna television facilities upon revocation of the franchise, and among other things, shall set forth insurance requirements and provide other terms and conditions relative to such removal.

Amended by Ord. No. 120-1.

**Section 6. Severability.**

Should any section, sentence clause phrase or provision of this Ordinance be, for any reason, held invalid by the courts, such portion shall be deemed and is hereby

declared to be a separate, distinct and independent provision, and such holdings shall not affect the validity of the Ordinance as a whole or any portion thereof other than the portions so held to be invalid.

**Section 7. Penalty.**

Any person, firm, or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor which shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars or imprisonment not to exceed ninety (90) days in jail, or by both such fine and imprisonment, in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

Amended by Ord. No. 120-1.

**Section 8. Effective Date.**

This Ordinance shall become effective thirty (30) days after final passage and publication in the Monroe Evening News, a newspaper having general circulation in Frenchtown Charter Township, Monroe County, Michigan.